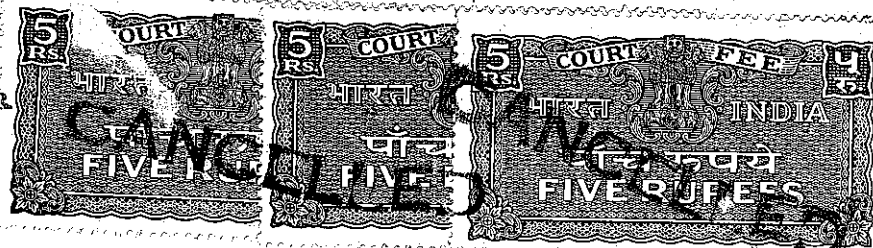


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SECTION
JUDICIAL
CHATTISGARH HIGH COURT, BILASPUR



CR 152

IN THE HIGH COURT OF JUDICATURE AT JABALPUR,

CRIMINAL REVISION NO. 306 OF 2000:

Single Bench (Criminal)



REVISION LIST:
RESPONDENT:
COMPLAINANT:

RAVINDER KUMAR NANDA,

S/o Nannath Nanda, Aged 50 years,

R/o Reesai Para, Tahsil and Distt.

DHANTARI (M.P.):

-VERSUS-

RESPONDENTS:
APPLICANT:
ACCUSED PERSONS:

1. SMT. JUGGA DEVI,
Wife of Shri Ranulal Sanklacha,
Aged 55 years.
LAL
2. SHRI RANU SANKLACHA,
S/o Late Mishrilal Sanklacha,
Aged 72 years.,
Both Residents of Sadar Bazar,
DHANTARI (M.P.):
3. SHRI GULZAR KHAN,
S/o Gafoor Khan, Aged 25 years,
R/o Proprietor Guljar Auto Electric-
al, Bombay Garrage Baster Road,
District DHANTARI (M.P.):
4. THE STATE OF MADHYA PRADESH,
Through Collector, DHANTARI (M.P.):

CRIMINAL REVISION UNDER SECTION 397/401, CODE OF
CRIMINAL PROCEDURE

21/5/8
28/12/1979
M. H. A. P.
Advocate
R. A. P.

(7)

उच्च न्यायालय, ~~मध्य प्रदेश, जबलपुर~~ Chhattisgarh, Bilaspur

Cr.R.No. 306 of 2000

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	<p><u>13.12.2000</u></p> <p>Applicant by Shri K.K.Mishra, Advocate.</p> <p>Heard.</p> <p>The applicant, who is a complainant, in a private complaint persuaded the trial Court to take cognizance under section 82 of the Indian Registration Act against the non-applicants no. 1,2 and 3, but, On a revision filed by the non-applicants no. 1 and 2 Smt. Jugga Devi and Ranulal Sanklacha the revisional Court held that in view of the bar under section 195 of the Code of Criminal Procedure the trial Court was not justified in taking the cognizance, it accordingly allowed the revision and closed the proceedings.</p> <p>The submission of the learned counsel for the applicant is that, as the matter relates to the property of the applicant and the non-applicants no. 1 and 3 in connivance with each other have tried to play a fraud and cheated the applicant, the Court-below was unjustified in allowing the revision at this primary stage.</p> <p>Unfortunately this argument loses sight of fact that the trial Court has not taken any cognizance of</p>	

मामला क्रमांक सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
Thakur,	<p>the matter for commission of the offence punishable under sections 420, 467, 468 and 471 of the Indian Penal Code. The trial Court took cognizance of the matter in relation to Section 82 of the Indian Registration Act. The Court-below has given cogent reason for observing that the cognizance could not be taken by the trial Court in absence of compliance of the provisions of Section 195 of the Code of Criminal Procedure.</p> <p>Shri Mishra also submits that as Gulzar Khan has not preferred any revision, the revisional Court could not grant any relief to him. In the opinion of this Court, if the finding of the learned Court-below is that the cognizance could not be taken by the trial court then it would be too much to say that the matter would stand closed ^{for the two} and no ^{could be R.S.} cognizance is taken against the third, who did not prefer revision.</p> <p>The Court-below is justified in allowing the revision petition. This revision petition is dismissed.</p>	<div data-bbox="922 1948 1161 2096" style="border: 1px solid black; padding: 5px; text-align: center;"> Sd/- R.S. Garg Judge </div>

P
37/58
2/15/00